

### **EXAMINER'S AMENDMENT**

Applicant's amendment and remarks filed on 6/3/2010 are acknowledged. Claims 1, 34, 50, 51, 52, 55, 105, and 110 are amended. New claims 111-116 are added. Claims 2, 3, 5, 9-10, 12-14, 17, 21, 27-28, 30, 33, 36, 39, 44, 46-47, 53-54, 56-57, 60-62, 64-67, 69, 77-78, 80-83, 85, 89, 96-97, 104, and 108-109 are cancelled. Claims 1, 4, 6-8, 11, 15-16, 18-20, 22-26, 29, 31-32, 34-35, 37-38, 40-43, 45, 48-52, 55, 58-59, 63, 68, 70-76, 79, 84, 86-88, 90-95, 98-103, 405-107, and 110-116 are pending and are currently under examination.

### ***Information Disclosure Statement***

The information disclosure statement filed on 6/15/2010 has been considered. An initialed copy is enclosed.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Iver Cooper on 9/29/2010.

The application has been amended as follows:

### **In the claims:**

In claim 1, replaced the phrase "and wherein the microbial organism is of the species *Oenococcus oeni*" with "wherein said organism is obtained by the method of claim 50."

In claim 71, replaced "claim 63" in line 2, with "claim 70".

In claim 72, replaced "claim 63" in line 2, with "claim 70".

In claim 79, replaced "claim 74" in line 2, with "claim 76".

Replaced claim 106 with :

The organism of claim 1, wherein said method of obtaining the organism further comprises, after selection, the steps of:

i'. providing an adaptation medium comprising at least 6% sugar, and  
ii'. propagating said microbial organism in said adaptation medium under conditions allowing growth of said microbial organism.

Cancelled claims 107, 110, and 111

Added new claim 117, which states: The organism of claim 1, wherein the organism is of the genus *Oenococcus*.

Added new claim 118, which states: The organism of claim 1, wherein the organism is of the species *Oenococcus oeni*.

### ***Conclusion***

Claims 1, 4, 6-8, 11, 15-16, 18-20, 22-26, 29, 31-32, 34-35, 37-38, 40-43, 45, 48-52, 55, 58-59, 63, 68, 70-76, 79, 84, 86-88, 90-95, 98-103, 105-106, and 112-118 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. GANGLE whose telephone number is (571)272-1181. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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